IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2211 OF 2002

IN

SUIT NO. 390 OF 2002

Bhaskar S. Suvarna .. Plaintiff

versus

BSES Limited .. Defendant

...

Mr.D.R. Jhuriya for the planitiff.

Mr.D.S. Sakhalkar for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 10th February 2005.

P.C.:

1. Heard the learndd coucnsel for the plaintiff and defendant.

2. The defendant points out that previously the plaintiff had taken out a motion bearing Notice of Motion no.623 of 2001 in which identical reliefs were

claimed. By an order dated 18th April 2002, the said motion was disposed of. The plaintiff cannot take out a second motion or a motion in a motion for identical reliefs. The principles of res-judicata apply even between two stages of the same proceedings. An order dated 18th April 2002 passed in Notice of Motion no.623/01 would operate as a res judicata and the plaintiff is not entitled to apply for the same reliefs again by a separate motion.

3. Hence, motion is dismissed.

D.G. KARNIK, J